

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of this amendment and the following reasons. By this amendment, claims 1-26 have been amended. Accordingly, claims 1-26 are pending in this application.

Claims 1-26 have been amended to correct informalities and/or recite the present subject matter more clearly. Support for these amended features may be found at least in paragraphs [0043], [0050], [0055], and [0056] of the present application as published and in its Figs. 2 and 3. Thus, it is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132.

For at least these reasons, entry of the present Amendment is therefore respectfully requested. Accordingly, Applicants request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §102

Claims 1-8, 10, 12-15, and 17-26 stand rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,790,178 issued to Mault et al. (“Mault”).

Applicants respectfully submit that the rejections of independent claim 1 must be withdrawn because the cited reference does not disclose, teach, or suggest all of the features of the claimed subject matter. “Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W.L. Gore & Assocs. V. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, “when evaluating

the scope of a claim, every limitation in the claim must be considered. U.S.P.T.O. personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered.” *U.S.P.T.O. Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, page 9, October 26, 2005. As the Federal Circuit stated, “[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)).

In view of this framework, Applicants respectfully submit that Mault fails to disclose every recited feature of claim 1. Specifically, claim 1, as amended, recites, *inter alia*:

selecting, *based on the sport in question*, from the received sports activity information a *predefined set* of pieces of sports activity information with the receiving device (Emphasis added)

Mault does not disclose, teach, or suggest at least this feature. In particular, there is no teaching or suggestion is found in Mault that a section of information may be implemented “based on the sport in question.” Although Mault discloses PDA 120 having a display 124 that shows physiological information 126, 128, as illustrated in Fig. 12, the reference still fails to teach or suggest that this physiological information is selected “based on the sport in question,” as required by the presently claimed subject matter. In other words, Mault does not teach or suggest that a set of information to be displayed can be tailored for different needs, e.g., different

sports. Thus, it is clear that Mault's PDA provides physiological information *regardless of* the sport in question. In contrast to the teachings of Mault, the present subject matter requires that the selection of information be "based on the sport in question." *See* paragraph [0056] of the present application, as published, in which "[i]t can be seen from FIG. 3 that, for example, information provided by a barometer can be used *in different ways for* different purposes or sports. A runner wants to see changes in air pressure by means of *altitude changes*, where as a sailor is also interested in the *air pressure itself*." (Emphasis added).

Furthermore, Mault also fails to disclose, teach, or suggest selecting "a predefined set of pieces of sports activity information," as recited above. Although Mault may disclose processing certain physiological activity information, it is respectfully submitted that mere processing information does not disclose selecting a *predefined set* of information.

Therefore, Applicants respectfully submit that Mault does not disclose, teach, or suggest selecting, "*based on the sport in question*, from the received sports activity information a *predefined set* of pieces of sports activity information with the receiving device," as recited in claim 1. Because Mault fails to disclose every recited feature, the reference does not anticipate claim 1.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §102(e) rejection of claim 1. Independent claims 10, 13, and 19 recite similar features as claim 1 and thus are allowable for at least this reason. Claims 2-8, 12, 14, 15, 17, 18, and 20-26 depend from claim 1, 10, 13, or 19 and are allowable for at least this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed subject matter, Applicants

respectfully submits that independent claims 1, 10, 13, and 19, and all the claims that depend therefrom, are allowable.

Rejections Under 35 U.S.C. §103

Claims 9, 11, 16, and 20 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Mault.

Applicants respectfully submit that claim 9, 11, 16, and 20 are allowable over Mault at least because they depend from claim 1, 13, or 19, which Applicants believe are allowable over the same reference, as noted above.

In addition to the distinction over Mault noted above, it is respectfully submitted that the presently claimed subject matter provides unexpected results. The present subject matter enables same devices to be used in *different sports*. Owing to the feature of selecting a predefined set based on the sport in question, the receiving device can be preconfigured, depending on the sport in question, to select and display *only* such a subset of received *sports activity information which is important to the sport in question*. The feedback presented to the individual can thus be *different based on the sport in question* notwithstanding the received sports activity information is identical. Applicants respectfully submit that these results cannot be expected by one of ordinary skill in the art, who is aware of the teachings of Mault.

Appl. No. 10/581,314
Attorney Docket No. 27455U
Response to Office Action mailed
June 26, 2008

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

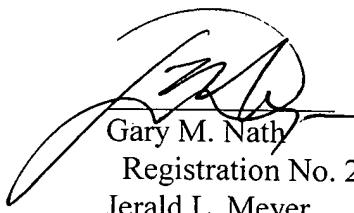
Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,
THE NATH LAW GROUP

September 26 2008

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314-2891
Tel: 703-548-6284
Fax: 703-683-8396



Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Sung Yeop Chung
Ltd. Rec. No. L0449
Customer No. 20529